

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of	)
JOHN J. TOBEN, et al.	) Examiner: Saether, Flemming
	)
for: DUCT REINFORCEMENT ROD AND	) Group Art Unit: 3677
FABRICATION APPARATUS	)
	) Confirmation No. 2213
Serial No.: 10/668,704	)
	) Our Docket No.: 6006-0149-1
Filed: September 23, 2003	)

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER 35 U.S.C. § 121**

Dear Sir:

In the Office Action Summary, dated June 3, 2008, the Examiner has alleged two (2) distinct species: A. Figures 8-12; and B. Figures 13-18.

Applicants hereby elect to prosecute Species A, claims 1, 2, 8-15, 21 and 22. Claims 1, 2 and 21 are asserted as being generic.

The present election is made with traverse. While Applicants do not believe the identified species to be obvious variants of one another, Applicants respectfully suggest that the search for species A would nonetheless have to be accomplished for the those claims directed towards species B. Thus, as the searches for the two identified species would be generally commensurate with one another, Applicants respectfully submit that there would be no undue burden on the Examiner to search and examine claims 1-15, 21 and 22 in total.

### Newly Added Claims 21 and 22

With respect to the previous submission of new claims 21 and 22, Applicants respectfully submit that claims 21 and 22 are allowable over the cited prior art of record, as follows:

Claim 21 recites, in part:

**“a pair of tube pushers** disposed on either side of a length of conduit, **said tube pushers being driven by the rack-and-pinion mechanism** to force the length of conduit in a substantially vertical motion over a threaded element, for positioning the threaded element inside the length of conduit; and  
**a pair of crimper slide blocks each having at least one angled crimper**, wherein the crimper slide blocks are brought to bear upon the exterior surface of the conduit, after the threaded element is positioned inside the length of conduit, for said angled crimpers to create deformations in the conduit on either side of said threaded element, thereby fixing the threaded element in place inside the length of conduit.” (emphasis added).

Applicants respectfully submit that none of the cited prior art evidences at least those structural elements noted in bold, in claim 21, above.

For its part, claim 22 recites, in part:

**“a support base that supports a length of conduit in a generally horizontal orientation;**  
a clamping station positioned opposite the support base, said clamping station having **a pair of clamping arms that hold the length of conduit in position against the support base;**  
**a feeder unit** for automatically positioning a threaded element in alignment with an open end of the length of conduit;  
**an insertion device that urges the threaded element a designated distance into the length of conduit,** subsequent to the length of conduit being held in place by the clamping arms of the clamping station; and  
a crimping station aligned with the clamping station, said crimping station having **at least one pair of crimping arms** for creating deformations in the length of conduit on either side of the threaded element positioned therein, thereby fixing the threaded element in place inside the length of conduit.” (emphasis added).

Applicants respectfully submit that none of the cited prior art evidences at least those structural elements noted in bold, in claim 22, above.

In an effort to ensure that Applicants are being completely responsive to the Examiner's request, Applicants note the previously-filed Response which goes into great detail regarding the shortcomings of the cited prior art in relation to those elements highlighted above, and these arguments are hereby incorporated by reference.

### **Conclusion**

In view of this response and election, Applicants respectfully request examination of all claims on the merits. Absent this, Applicants respectfully request examination of at least those claims directed towards Species A, claims 1, 2, 8-15, 21 and 22.

Should there be any question concerning the election of claims, the Examiner should not hesitate to call the undersigned attorney at the below-listed telephone number.

Applicants believe no fee is due for this Response, however, should there be any deficiency in fees associated with the filing of this Response, please charge our Deposit Account No. 13-0235.

Respectfully submitted,

By           /Nicholas J. Tuccillo/            
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